

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 to allow a rear and side yard setback of 1.5' in lieu of the reqd. 2.5'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) To stay as far as possible from tree in back yard to minimize damage to roots & to provide an adequate turn around area

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney's Telephone No.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of January, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 113, County Office Building in Towson, Baltimore County, on the 28th day of January, 1988, at 9 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.
(over)

IN RE: PETITION FOR ZONING VARIANCE
S/S Murdock Road, 100' E of Holly Lane (C05 Murdock Road)
9th Election District
4th Councilmanic District
L. Edward Rohe, et ux
Petitioners
BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-282-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a zoning variance to permit rear and side yard setbacks of 1.5 feet each in lieu of the required 2.5 feet for a proposed garage, as more particularly described on Petitioner's Exhibit 1.

The Petitioners, Mr. & Mrs. Rohe, appeared and testified. Also appearing on behalf of the Petition was Carroll Brown of Matthews Brown Contractors, Inc. There were no Protestants.

Testimony indicated that the subject property is zoned D.R. 5.5 and is currently improved with an existing dwelling. Mr. Rohe testified that they propose constructing a garage in the rear yard; however, strict compliance with the Baltimore County Zoning Regulations (B.C.Z.R.) would result in placement of the garage too close to the roots of a large American beech tree. In an effort to preserve this tree, which the Petitioners argued provides shade to their property as well as aesthetic value, the variances are being requested. Testimony indicated that the size of the rear yard would not permit the relocation of the garage in an area which would avoid the need for a variance. Mrs. Rohe testified that she discussed the matter with adjoining neighbors who indicated to her that they would have no objection to the location of the garage. Further, the Petitioners testified that the garage will be placed in the same vicinity as the adjoining neighbors' garages to the side and rear of their property.

Based upon the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the variance was not

granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

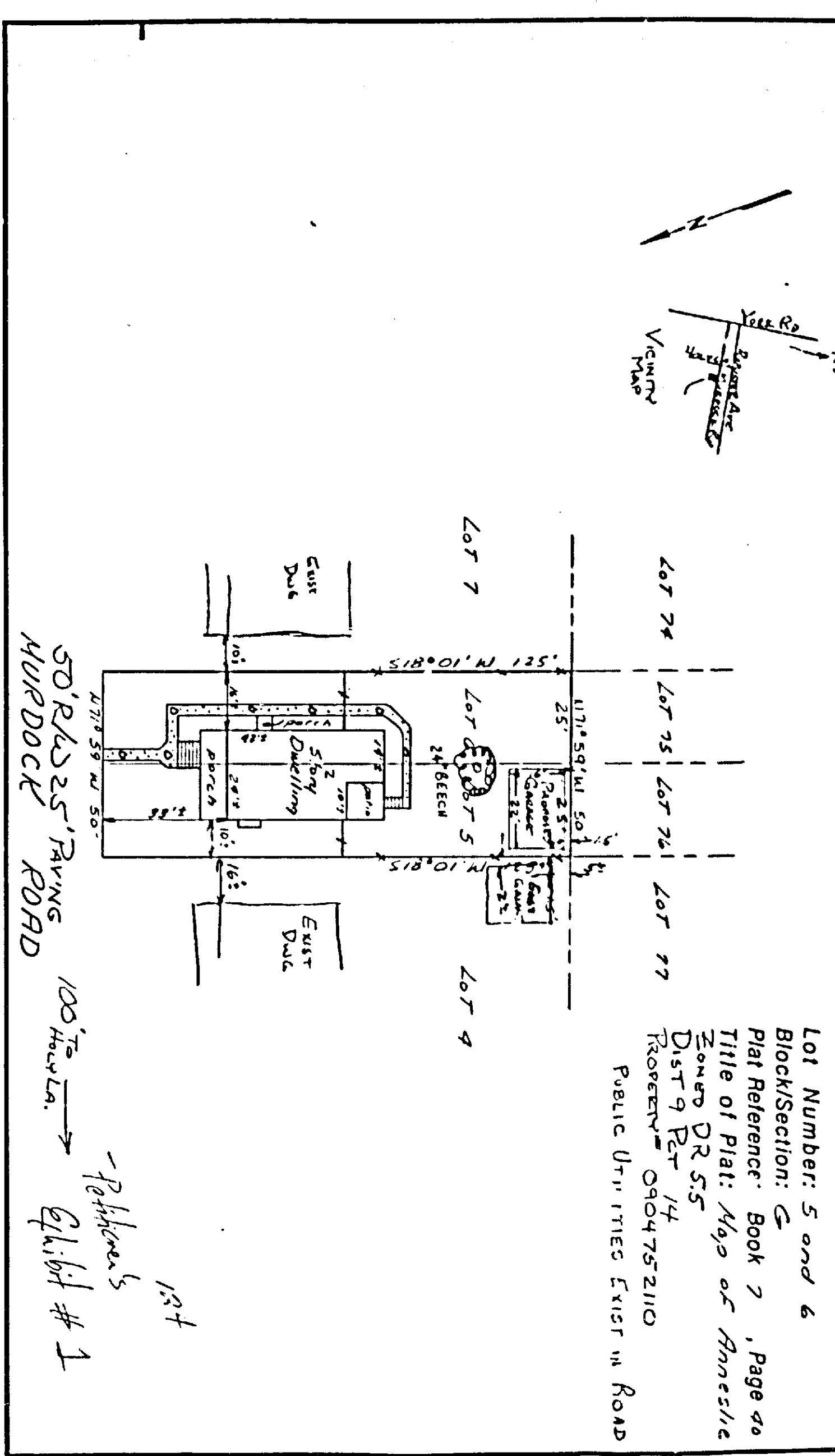
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 12th day of January, 1988 that rear and side yard setbacks of 1.5 feet each in lieu of the required 2.5 feet for a proposed garage, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

AMN:bjs

ORDER RECEIVED FOR FILING
Date 1/12/88
By John J. Sullivan



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
484-3353

November 25, 1987

Mr. & Mrs. L. Edward Rohe
605 Murdock Road
Baltimore, Maryland 21212
Re: Case number: 88-282-A
S/S Murdock Road, 100' E of Holly Lane
(605 Murdock Road)
9th Election District - 4th Councilmanic District
Petitioners: L. Edward Rohe, et ux

Dear Mr. & Mrs. Rohe:

Please be advised that \$41.38 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED

Please make your check payable to Baltimore County, Maryland and forward Building, Room 113, Towson, Maryland 21204.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

RECEIVED FROM: L. Edward Rohe
FOR: Posting & Advertising
DATE: 1/12/88 AMOUNT: \$41.38
ACCOUNT: 88-282-A
VALIDATION OR SIGNATURE OF CASH

Mr. & Mrs. L. Edward Rohe
605 Murdock Road
Baltimore, Maryland 21212
RE: Petition for Zoning Variance
S/S Murdock Road, 100' E of Holly Lane
9th Election District; 4th Councilmanic District
Case No. 88-282-A

Dear Mr. & Mrs. Rohe:
Enclosed please find the decision rendered in the above-referenced case. The Petition for Zoning Variance has been Granted, subject to the restriction noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,
Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

AMN:bjs
cc: People's Counsel
file

CERTIFICATE OF PUBLICATION

TOWSON, MD. Jan 7 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Jan. 7 1988

THE JEFFERSONIAN,

Luan Shuler Orlett
Publisher

CERTIFICATE OF PUBLICATION

TOWSON, MD. Jan 6 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Jan. 6 1988

TOWSON TIMES,

Luan Shuler Orlett
Publisher

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 1/12/88

Posted for: Rohe

Petitioner: L. Edward Rohe, et ux

Location of property: 605 Murdock Rd. 100' E of Holly Lane

Location of Sign: 605 Murdock Rd. 20' E of Holly Lane

Remarks: Posting of Sign

Posted by: AMN:bjs Date of return: 1/12/88

Number of Signs: 1

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 105 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-282-A
 S/S Murdock Road, 100' E of Holly Lane
 (605 Murdock Road)
 Section District - 4th Councilmanic District
 Petitioner: L. Edward Rohe, et ux
 DATE/TIME: Thursday, January 20, 1988 at 9:00 a.m.

Petition for Zoning Variance to allow a rear and side yard setback of 1.5' in lieu of the required 2.5'.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

No. 41662

DATE: 9/30/87 ACCOUNT: 2-615

AMOUNT: \$ 35.00

RECEIVED FROM: HATHINGS BROWN CONSULTANTS, INC.

FOR: FILING FEE FOR VARIANCE ITEM 124

0130*****3500** 8302F

ROHE PETITIONER

VALIDATION OR SIGNATURE OF CARRIER

J. ROBERT HAINES
 Zoning Commissioner of Baltimore County

**Baltimore County
 Fire Department
 Towson, Maryland 21204 2586
 494-4500**

October 16, 1987

Paul H. Reincke
 Chief

J. Robert Haines
 Zoning Commissioner
 Office of Planning and Zoning
 Baltimore County Office Building
 Towson, MD 21204

Re: Property Owner: L. Edward Rohe, et ux
 Location: S/S Murdock Road, 100' E. Holly Lane
 Item No.: 124 Zoning Agenda: Meeting of 10/13/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* 10-19-87 Noted and Approved: *[Signature]*
 Planning Group Fire Prevention Bureau
 Special Inspection Division

/s/

**Baltimore County
 Department of Public Works
 Bureau of Traffic Engineering
 County Office Building, Suite 405
 Towson, Maryland 21204
 491-5354**

October 16, 1987

[Signature]
 Dennis F. Rasmussen
 County Executive

Zoning Commissioner
 County Office Building
 Towson, Maryland 21204

Dear Zoning Commissioner:

The Bureau of Traffic Engineering has no comments for items number 120, 121, 122, 123, 124, 126, 128, and 129.

Very truly yours,
[Signature]
 Michael S. Flanagan
 Traffic Engineer

MSF:ab

88-282-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Your petition has been received and accepted for filing this
 2nd day of November, 19 87

[Signature]
 J. ROBERT HAINES
 ZONING COMMISSIONER

Petitioner: L. Edward Rohe, et ux Received by: James E. Dyer
 Petitioner's Attorney Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 12, 1988

COUNTY OFFICE BLDG.
 111 W. Chesapeake Ave.
 Towson, Maryland 21204

MEMBERS

Bureau of Engineering
 Department of Traffic Engineering
 State Roads Commission
 Bureau of Fire Prevention
 Health Department
 Project Planning
 Building Department
 Board of Education
 Zoning Administration
 Industrial Development

Mr. L. Edward Rohe
 605 Murdock Road
 Baltimore, Maryland 21212

RE: Item No. 124 - Case No. 88-282-A
 Petitioner: L. Edward Rohe, et ux
 Petition for Zoning Variance

Dear Mr. Rohe:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
[Signature]
 JAMES E. DYER
 Chairman
 Zoning Plans Advisory Committee

JED:kbb
 Enclosures

cc: Carroll Brown, Jr.
 1707 Reisterstown Road
 Baltimore, Maryland 21208

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
 TO: Zoning Commissioner

Norman E. Gerber, AICP
 FROM: Director of Planning and Zoning

Zoning Petitions No. 88-281-A,
 SUBJECT: 88-282-A, 88-316-A

Date: December 9, 1987

There are no comprehensive planning factors requiring comment on this petition.

[Signature]
 Norman E. Gerber, AICP
 Director

NEG:JCH:dme

cc: Ms. Shirley N. Hess, Legal Assistant, People's Counsel
 File